

EXHIBIT J

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|------------------------------------|---|----------------|
| LINDA J. BLOZIS |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action |
| v. |) | No. 05-891 SLR |
| |) | |
| MELLON TRUST OF DELAWARE, NATIONAL |) | |
| ASSOCIATION, a Pennsylvania |) | |
| corporation; MELLON BANK, NATIONAL |) | |
| ASSOCIATION (formerly Mellon Bank |) | |
| (DE) NATIONAL ASSOCIATION), a |) | |
| Pennsylvania corporation; and |) | |
| MELLON FINANCIAL CORPORATION, a |) | |
| Pennsylvania corporation, |) | |
| |) | |
| Defendants. |) | |

Deposition of ROSEMARY CURTIS THOMAS taken pursuant to notice at the law offices of John M. LaRosa, Two East 7th Street, Wilmington, Delaware, beginning at 9:27 a.m., on Tuesday, December 19, 2006, before Eleanor J. Schwandt, Registered Merit Reporter and Notary Public.

APPEARANCES:

JOHN M. LAROSA, ESQ.
LAW OFFICE OF JOHN M. LAROSA
Two East 7th Street
Wilmington, Delaware 19801
for the Plaintiff

STEPHANIE WILSON, ESQ.
REED SMITH, LLP
13 Main Street - Suite 250
P.O. Box 7839
Princeton, New Jersey 08543-7839
for the Defendants

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477
www.wilfet.com



1 managers just have one location. He had two.

2 Now, there are other teams in Philadelphia
3 besides what we were refer to it as the Gilmore team,
4 because he was the manager. There are other managers of
5 other teams in the Philadelphia office. That's the
6 largest office. So there is more than one investment
7 management team there.

8 And I don't believe that Frances Smith had
9 anything to do with Brendan Gilmore on his team.

10 Q. Other than they both worked in the Philadelphia
11 office?

12 A. Other than they both worked in the Philadelphia
13 office, that's it.

14 Q. And was there a Martha Feters who worked for
15 Mellon?

16 A. Yes.

17 Q. What was her title?

18 A. I don't remember.

19 Q. Did she work for Brendan Gilmore?

20 A. Yes, she did.

21 Q. And did she eventually resign?

22 A. I don't remember. I believe she did.

23 Q. As far as a time frame, was that in approximately
24 2003?



1 A. I really don't remember.

2 Q. Was there a Linda Squirer who worked at Mellon?

3 A. Yes.

4 Q. And did she work for Brendan Gilmore?

5 A. Yes.

6 Q. What was her title?

7 A. I don't remember.

8 Q. Did she eventually resign?

9 A. Yes.

10 Q. Was that recently or was that a few years ago?

11 A. That would have been a few years ago.

12 Q. Do you think that was in approximately 2003?

13 A. I'm sorry, I really don't remember the year.

14 Q. Was there a Robert Bell who worked at Mellon?

15 A. Yes.

16 Q. Was he a senior trust officer?

17 A. Yes, I believe he was.

18 Q. Did he work for Brendan Gilmore?

19 A. Yes, he did.

20 Q. And did he eventually resign?

21 A. As I recall, he retired.

22 Q. Was that a joint decision by him and Mr. Gilmore?

23 A. As I recall, he retired, and retirement would be
24 solely his decision. We don't have mandatory retirement.



1 they feel that the problem is with their manager, they
2 can go to their human resources person, which would be
3 me.

4 If they want to go to someone else, there is
5 a third forum or a person they can go to which would be
6 Employee Relations.

7 Q. Okay. So they can go to their manager, they can
8 go to the Employee Relations or they can go to you?

9 A. Mm-hmm. Or, I'm sorry, they can go to their
10 manager's manager.

11 Q. And did there come a point in time in 2003 when
12 Linda Blozis came to you about an employment
13 discrimination issue?

14 A. I had a meeting with Linda in 2003, after a
15 meeting that she had had with Brendan Gilmore, and she
16 felt that some of Brendan's comments to her were based on
17 age discrimination.

18 Q. Okay. I'm going to show you a document, ask that
19 it be marked as Exhibit, I believe it is Exhibit 4.

20 (Thomas Deposition Exhibit 4 was marked for
21 identification.)

22 Q. Take a moment to review this two-page document.

23 Have you had a chance to read that?

24 A. Yes.



1 Q. I'll represent to you that this document says
2 MEL/BLOZ 468, on the second page MEL/BLOZ 469 at the
3 bottom right-hand corner. Have you seen a copy of this
4 document before?

5 A. Yes.

6 Q. And what is this document?

7 A. These are notes that I took after a phone call or
8 on a phone call with Linda.

9 Q. Okay. This is in cursive handwriting?

10 A. Yes, and not quite good cursive handwriting
11 either.

12 Q. Okay. Fair. Fair enough. But not the most
13 illegible handwriting either.

14 So can you walk us through and read out loud
15 what you wrote on this, starting with this first page?

16 A. Yes. Okay. I said "Linda's meeting with Brenda
17 Gilmore, tone and timber of voice so disruptive to other
18 staff members, demeaning and degrading." And she "Said
19 age discrimination."

20 And then I'm quoting what she said Brendan
21 said, "Other assistants are producing a lot more," or "a
22 lot more and a lot faster." So "Other assistants
23 producing a lot more and a lot faster.

24 "He hollered at Linda. Linda went to Gregg



1 to see if Becker's group could do." That meant do the
2 work that she was assigned to do.

3 "Bill talked to Brendan. Brendan came to
4 see her." That means Brendan came down to Delaware to
5 talk with her.

6 She said, "It only occurred last week to her
7 that they could not finish," she could not finish the
8 assignment on time.

9 "Linda and Maria did get the job done."

10 And then she goes on to say, "Brendan can
11 come and go with no one watching him." And we talk about
12 a "Skills assessment" and "Has not refused," which means
13 she did not refuse to do the skills assessment.

14 And the skills assessment was something that
15 we had asked all of the portfolio administrators to
16 complete, so we could get a handle on where they were
17 with their skills and would be able to assist them where
18 we felt that they were lacking.

19 Q. So what is the date you have put on the top
20 right-hand corner of this?

21 A. 5/01/03.

22 Q. Did you make these notes the same day you met
23 with Miss Blozis?

24 A. I made them the same day. Might not have been



1 when I was on the phone with her, but a lot of times I'll
2 go back and write things down after I've gotten off the
3 phone, because I may get distracted once I get off the
4 phone, I may have another call or something, but I try to
5 write them in the same day.

6 Q. So to the best of your recollection, these were
7 taken the same day that she came to you?

8 A. Mm-hmm.

9 Q. I'm sorry?

10 MS. WILSON: Yes?

11 A. Yes. I'm sorry.

12 Q. And she had complained about age discrimination
13 by Brendan Gilmore?

14 A. Yes.

15 Q. So was Miss Blozis following the proper channels
16 and the proper policy by coming to you with an age
17 discrimination complaint?

18 A. Yes. And I think I'm looking at the order of the
19 notes and it says "age discrimination" and typically if
20 someone says that to me, any type of discrimination, I
21 ask them why, why do you feel that way, and that's when
22 she said that Brendan said to her the "Other assistants
23 are producing a lot more and a lot faster."

24 Q. And what was the next two words?



1 A. Then I have "age discrimination" again, and she
2 felt that that was age discrimination because he referred
3 to the other assistants who she said were younger than
4 her.

5 Q. I think you have told us too that no one was
6 older, none of the other portfolio administrators were
7 older than her?

8 A. To my knowledge, none of them were older than
9 her, but there were definitely other portfolio
10 administrators who were over 40.

11 Q. With regard to Mellon's policies and procedures,
12 what did you do next after recording these notes?

13 A. Okay.

14 Q. With regard to this issue?

15 A. I called Tom Galante. And Tom Galante is our
16 Employee Relations person. And I discussed the
17 conversation that I had with Linda with Tom.

18 Q. What did you do next?

19 A. Tom said that he would contact Brendan to have a
20 discussion with him about this, and I remember then
21 calling the office in Delaware and talking to Maria
22 Bannister, who is the other portfolio administrator
23 there, and asking her about this incident, did she hear
24 anything, did she hear what Brendan said.



1 And as I recall, Maria said that there was
2 some noise, louder noise surrounding their conversation,
3 but it appears that they were in an office so she did not
4 hear, you know, what was being said. She could just hear
5 that they were talking in elevated voices.

6 I talked to Brendan about the age
7 discrimination, and then I circled back around to meet
8 with Tom Galante and to discuss this some more. And we
9 determined from the conversations that we had with
10 people, in looking at the situation, that we did not see
11 evidence of age discrimination.

12 Q. Okay. You said the conversations that we had
13 with people?

14 A. Yes.

15 Q. Other than Brendan Gilmore and Maria Bannister --

16 A. I talked with Gregg Landis and Bill Becker.

17 Q. Okay. Other than them, did you interview anyone
18 else?

19 A. I believe I spoke with Marion Marano, because
20 Marion was the other person in the group that would have
21 been closest to Linda's age.

22 Q. Was she someone who was stationed in
23 Philadelphia?

24 A. Yes.



1 Q. After you made a determination about this issue,
2 was it decided that any further action should be taken?

3 A. We determined that the actions were not based on
4 age discrimination, and I got back to Linda to have a
5 conversation with her about it.

6 Q. Aside from Maria Dunlop, who that you interviewed
7 indicated that they overheard the conversation between
8 Linda Blozis and Brendan Gilmore?

9 A. Only Maria. And like I said, she said she could
10 hear that their voices were elevated, but she didn't hear
11 what they were saying.

12 Q. Is it Mellon's policy for human resources to open
13 up a confidential file when an HR complaint is made?

14 A. I don't think I understand what you are saying.

15 Q. Was any kind of a file, internal file, opened up
16 regarding this complaint?

17 A. In other words, would I have notes in a file,
18 separate file regarding the complaint?

19 Q. Yes.

20 A. It is not our policy to necessarily do that, no.

21 Q. Did you do that?

22 A. I -- you know, I am sure that I jotted down
23 something else. I'm not quite sure what happened to it.
24 Tom would probably have more notes than I would.



1 Q. Tom Galante?

2 A. Yes.

3 MR. LAROSA: To the extent that there is any
4 other notes by Miss Thomas, we would request those notes.

5 MS. WILSON: John, if you can just put that
6 in a letter, I would take it under advisement.

7 MR. LAROSA: Sure.

8 THE WITNESS: I would say I transitioned
9 offices and, unfortunately, some of my records could have
10 been destroyed in that transition.

11 BY MR. LAROSA:

12 Q. When did you transition offices?

13 A. It was right around this time. I don't remember
14 exactly. But I was on another floor in the building and
15 I moved up to the eighth floor.

16 Q. When you moved up to the eighth floor did you
17 find that some of your things were missing or destroyed?

18 A. I found that as I was putting things back in the
19 file, there were some things that I thought I had that I
20 did not see.

21 Q. As far as disciplinary action, does Mellon have a
22 form of disciplinary action called a final written
23 warning?

24 A. Yes, we have a corrective action process. The



1 process is initial warning, final written warning, and
2 the third stage would be termination. When we terminate
3 we do not type up the warning to give to the employee at
4 that point.

5 Q. Because they have already received a final
6 written warning?

7 A. Yes.

8 Q. Prior to that?

9 A. Yes. And the final written warning states if
10 there is not continued, and some other word they use in
11 there, improvement, sustained -- continued and sustained
12 improvement, that it could lead to the next stage of the
13 corrective action policy, up to and including
14 termination.

15 Q. So there were no other written reprimands in
16 Linda Blozis' file other than the final written warning?

17 A. Correct. And I can explain that.

18 Q. Okay. Go ahead.

19 A. Okay. In one of Linda's performance reviews, the
20 one that she was rated needs improvement, it is stated if
21 you are rated at that level, that that would be an
22 initial warning to you. She was given that initial
23 warning in the review, which is not uncommon if you are
24 rated at that level to get an initial warning with your



1 State of Delaware)

)

2 New Castle County)

3
4 CERTIFICATE OF REPORTER

5
6 I, Eleanor J. Schwandt, Registered
7 Professional Reporter and Notary Public, do hereby
8 certify that there came before me on the 19th day of
9 December, 2006, the deponent herein, ROSEMARY CURTIS
10 THOMAS, who was duly sworn by me and thereafter examined
11 by counsel for the respective parties; that the questions
12 asked of said deponent and the answers given were taken
13 down by me in Stenotype notes and thereafter transcribed
14 by use of computer-aided transcription and computer
15 printer under my direction.

16 I further certify that the foregoing is a
17 true and correct transcript of the testimony given at
18 said examination of said witness.

19 I further certify that I am not counsel,
20 attorney, or relative of either party, or otherwise
21 interested in the event of this suit.

22
23 COPY

24
Eleanor J. Schwandt
Certification No. 125-RPR
(Expires January 31, 2008)

DATED:



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